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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,420	04/18/2000	Sharon D Dodge	IW1.P02	2406

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Chris E Svendsen
Stratton Ballew PLLC
213 South 12th Avenue
Yakima, WA 98902

EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,420

Applicant(s)

DODGE, SHARON D

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

This office action is responsive to Applicant's amendment received on 4/14/2005.
Claims 1-14 remain pending.

Response to Arguments

Applicant's arguments filed 4/14/2005 have been fully considered but they are not persuasive.

Applicant argues, "No reference cited teaches a selection of a photographer by a user". Examiner responds, Sparks discloses that the search returns a number of image descriptions responding to the search criteria. Each of the image descriptions includes (1) a "thumbnail" image 116 of limited size and resolution, an image ID number 118 which uniquely identifies this image as opposed to the others stored in the image database, and (3) a set 120 of keywords which can be used by the client to more quickly access the image in future searches ... The search icon 76 permits the client to start a new search and links the client back to search page 92 (FIG. 5). By clicking on the browse icon 78, the client can review the image descriptions that he or she has retrieved. The "cart" icon 80 links to a shopping cart page and permits the client to review the images that he or she has already selected for purchase (Col. 6, lines 11-47). During each search, the image processor (i.e., control program) selects the image requested by the user using the search page and the user provided criteria (i.e., photographer), which uniquely identifies this image as opposed to the others stored in

the image database, and transmits the search result of the search page to the user for a review (Col 4, lines 22-67 and Col. 5, 11-67, and Col. 6, lines 1-47).

Applicant argues that the Sparks fails to teach a dialogue of modification.

Examiner responds that Spark's disclosure expressly permits the client to change the order or cancel it altogether (Col. 6, lines 56-67 and Col. 7, lines 1-18).

Applicant argues that Sparks fails to disclose the access of a photographer to the interaction between the user/client and the photographs produced as a result of an assignment. Examiner responds, Sparks discloses that the search (i.e., access code specifically for the photographer) returns a number of image descriptions responding to the search criteria. Each of the image descriptions includes (1) a "thumbnail" image 116 of limited size and resolution, an image ID (i.e., photographer access code) number 118 which uniquely identifies this image as opposed to the others stored in the image database, and (3) a set 120 of keywords which can be used by the client to more quickly access the image in future searches (Col. 6, lines 27-47).

Examiner reads "a store of information relating to a photographer" to correspond to the cited images stored in Spark's database. While claims are read and examined in the light of specification, Examiner refuses to read limitations from the specifications into the claims and respectfully maintains the rejection formulated on Jan 5, 2005 as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Sparks (U.S. Patent No. 6,167,382 and Sparks hereinafter).

Regarding claim 8, Sparks discloses:

a control program associated with a server (i.e., a website 14 which is mounted on a host computer), the control program capable of communicating with a user and additionally capable of communicating with a remotely located photographer (i.e., the image assembler 20 can be an image assembler software such as Desknet as installed on an appropriate server), the control program capable of receiving a request for a photographic assignment from the user (Col. 4, lines 22-67 and Col. 5, lines 11-40);

a database (i.e., image Database) associated with the control program (i.e., Image Catalog Software), the database including a store of information relating to a photographer (i.e., the image of a product), the database searchable for a photographer having a criteria set that corresponds to the photographic assignment from the user (Col. 5, lines 57, 67 and Col. 6, lines 1-47); and

an electronic interface having the ability to transmit a communication between the user and the photographer as manipulated by the control program, the communication including a photograph specification by the user and a response to the photograph specification by the user (Col. 2, lines 27-67 and Col. 3, lines 1-19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al, (U.S. Patent No. 6,167,382 and Sparks hereinafter), in view of White, (U.S. Patent No. 6,049,877 and White hereinafter).

Regarding claim 1, Sparks discloses a method of electronically generating and assigning a photographic project (i.e., requesting and receiving an image) comprising the steps of:

receiving a photographic assignment request from a user, the photographic assignment request received by a control program, the control program based within a first server (Col.21, lines 40-67 and Col.22, lines 1-41);

searching a photographer data base (i.e., Image Database) for a photographer (i.e., the image of a product)(Col. 5, lines 57, 67 and Col. 6, lines 1-47);

generating with the control program (i.e., Image Catalog Software), a search result including a photographer selection, the photographer selection corresponding to the photographer assignment specification received by the control program, and the photographer database stored within a second server (i.e., the search page 92 shows three ways to search for images: by keyword at 98, by category at 100, or by icon 102)(Fig. 6 and Fig. 7 and Col. 5, lines 57, 67 and Col. 6, lines 1-47);

transmitting the search result of the photographer selection to the user (Col. 6, lines 27-55);

receiving an approval of the photographer selection from the user (Col. 6, lines 56-67 and Col. 7, lines 1-17);

generating with the control program (i.e., Image Catalog software), a photograph request for the photographer (i.e., querying the Image Database for the image of a product)(Col. 7, lines 14-67 and Col. 8, lines 1-30);

transmitting the photograph request to the photographer (Col. 5, lines 41-67 and Col. 6, lines 1-20);

receiving an image from the photographer (i.e., retrieving the image of a product)(Col. 4, lines 39-67);

generating with the control program, a photograph submittal for the user (Col. 4, lines 53-63);

transmitting the photograph submittal to the user for review (Col. 5, lines 1-15);

receiving a photograph review from the user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

generating a user review report for the photographer (i.e., note that as shown in Fig. 35 and 37 through "modify order" and "back" buttons), (Col. 6, lines 56-67 and Col. 7, lines 1-27); and

transmitting the user review report to the photographer (i.e., Confirmation of the order)(Col. 6, lines 56-67 and Col. 7, lines 1-27).

Sparks does not expressly disclose issuing a user identification by the control program, the user identification specifically corresponding to the user.

However, White discloses issuing a user identification by the control program, the user identification specifically corresponding to the user (i.e., on subsequent client request, the CGI determines if the cookie is valid ... as stated in the more general description of an authentication token, a cookie is valid when it was forged from a valid key and contains valid token data)(Col. 6, lines 50-67 and Col. 7, lines 1-67 and Col. 8, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of White to include issuing a user identification by the control program, the user identification specifically corresponding to the user with the motivation to provide a common, non HTTP challenge/response based authentication mechanism for multiple CGI applications (White, Col. 2, lines 44-67).

Regarding claims 2 and 9, Sparks discloses a process further comprising the steps of receiving with the control program, a photograph revision from the photographer, the photograph revision in response to a review by a user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

generating with the control program, a revised image for the user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

transmitting the revised image to the user for review and comment (Col. 6, lines 56-67 and Col. 7, lines 1-27);

receiving with the control program, an approval from the user (Col. 6, lines 56-67 and Col. 7, lines 1-27); and

generating with the control program, an acceptance receipt to the photographer (Col. 6, lines 56-67 and Col. 7, lines 1-27).

Regarding claims 3 and 10, Sparks does not expressly disclose issuing a user identification by the control program, the user identification specifically corresponding to the user.

However, White discloses a method further comprising the steps of:
generating with the control program, an access code for the user (i.e., valid token data), and authenticating access to the control program by the user by requiring the user to submit the access code to the control program (i.e., whenever the client makes subsequent requests to execute a CGI application within the set of CGI applications, the cookie accompanies the client request ... a cookie is valid when it was forged from a valid key and contains valid token data)(Col. 6, lines 50-67 and Col. 7, lines 1-67 and Col. 8, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of White to include generating with the control program, an access code for the user, and authenticating access to the control program by the user by requiring the user to submit the access code to the control program with the motivation to provide a common, non HTTP challenge/response based authentication mechanism for multiple CGI applications (White, Col. 2, lines 44-67).

Regarding claims 4 and 11, Sparks discloses wherein the step of transmitting the photograph request to the photographer further comprises the steps of,

generating with the control program, a photographer access code specifically for the photographer (Col. 6, lines 27-37 and lines 1-11); and

authenticating the photographer's access to the control program by requiring the photographer to submit the photographer access code to the control program (Col. 6, lines 27-47 and lines 1-11).

Regarding claims 5 and 12, Sparks discloses the step of providing the user a photograph generation and assignment progress history (Col. 6, lines 27-67 and Col. 7, lines 1-18).

Regarding claims 6 and 13, Sparks discloses wherein the step of transmitting the photograph request to the photographer further comprises the step of:

generating an e-mail message to the photographer (i.e., "send email" button presented to email special shipping instructions), the e-mail message containing the project description and control program contact information (i.e., any information such as project description and control program contact information may be sent through email the same way as special shipping instructions are)(Fig. 59 and Col. 5, lines 16-35).

Regarding claims 7 and 14, Sparks discloses wherein the step of transmitting the photograph submittal to the user further comprises the step of displaying a progress image to the user (Col. 6, lines 27-47).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat
Patent Examiner
Group 2131
Jun 7, 2005


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER